

REMARKS

This is in response to the Final Office Action mailed June 22, 2004. In the Final Office Action, claims 14-31 were finally rejected. With this amendment, claims 14, 22, and 25 are amended and the remaining claims are unchanged in the application.

Section Two of the Office Action indicated that independent claim 14, among others, was rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson et al. (U.S. Patent Number 5,734,255). Applicants have amended independent claim 14 in order to better distinguish that claim from the teachings of Thompson. Specifically, Applicants have amended independent claim 14 to recite the subject matter originally set forth in dependent claim 21 as well as the further limitation that the continuous emission monitoring system is used to monitor qualitative emissions relative to the first generator. Since dependent claim 21 was not indicated as being anticipated by Thompson et al., Applicants respectfully believe that amended claim 14 is, accordingly, not anticipated by Thompson et al.

Section Three of the Office Action indicated that claim 21, among others, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. With regard to all 35 U.S.C. § 103(a) rejections, the Office Action offered a single sentence of reasoning, "In regard to claim 17, it is disclosed that the controllers provide monitoring for the system." Respectfully, no articulation of the 35 U.S.C. § 103(a) rejection was set forth with respect to dependent claim 21. Additionally, Applicants respectfully note that the disclosure of Thompson et al. does not teach or suggest the provision of a continuous emission monitoring system. Moreover, while Thompson et al. may monitor the temperature of exhaust gas, such monitoring is not monitoring qualitative emissions relative to the first generator as set forth in amended claim 14. This is an important feature as indicated by Applicants on Page six of the application.

"A continuous emission monitoring system for small-scale fossil fuel generator systems that could be easily mounted on such generators and installed for a cost that could be justified, would facilitate enhanced emissions monitoring and use of such electrical generators. Monitoring the operation of the generators would facilitate compliance with current United States Environmental Protection Agency Guidelines, thereby allowing such generators to operate full time if need be."

Accordingly, without this feature, it is entirely conceivable that the system disclosed by Thompson et al. would be unduly constrained by United States Environment Protection Agency Guidelines. In distinct contrast, a system operating in accordance with amended claim 14 is not limited in this regard. Applicants respectfully submit that there is no teaching or suggestion in the disclosure of Thompson et al. of continuous emission monitoring as set forth in amended claim 14.

Accordingly, Applicants respectfully submit that amended claim 14, and all claims which depend therefrom, is now in condition for allowance.

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson, Reg. No. 42,413
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 339-3312